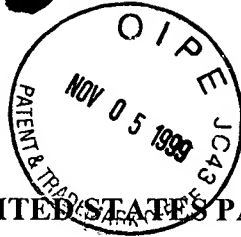


14242/00201



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DERALD RAY LANGHAM

Serial No.: 09/150,799

Filed: September 10, 1998

Group: 1649

Examiner: Melissa Kimball

For: METHOD FOR MAKING NON-DEHISCENT SESAME

Assistant Commissioner for Patents

Washington, D.C. 20231

EXPRESS MAIL NO. EL238003143US

DATE OF DEPOSIT November 5, 1999

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on

November 5, 1999  
(Date of Deposit)

Derrick T. Gordon

Name of Depositor

Signature

Date of Signature: November 5, 1999

Dear Sir:

**DECLARATION OF GLENN C. SMITH**

I, the undersign declare that:

1. I am the President of Sesaco Corporation and am empowered to act on behalf of Sesaco Corporation.

2. All rights to the invention disclosed in above-identified patent application and the sesame lines Sesaco 22, Sesaco 23, Sesaco 24, 19A, and 11W disclosed therein were assigned by the inventor Derald Ray Langham to Sesaco Corporation, having a business address of 700 West

Center Street, Paris, Texas 75460, as recorded on September 10, 1999, with the Patent Office at Reel/Frame 9458/0547.

4. During the pendency of the above-identified patent application, I will authorize on behalf of Sesaco Corporation the release seeds from the sesame lines Sesaco 22, Sesaco 23, Sesaco 24, 19A, and 11W to the Commissioner of Patents and Trademarks upon request.

5. During pendency of the above-identified patent application, a deposit of seeds from the sesame lines Sesaco 22, Sesaco 23, Sesaco 24, 19A, and 11W will be deposited with the American Type Culture Collection, having a business address of 10801 University Blvd., Manassas, VA 20110-2209, which is recognized as an International Depository Authority pursuant to 37 C.F.R. §1.803, .

6. Under supervision of the Americal Type Culture Collection, the deposit of the seeds from the sesame lines Sesaco 22, Sesaco 23, Sesaco 24, 19A, and 11W will be maintained for a period of 30 years or 5 years after the last request or for the enforceable life of the patent, whichever is longer.

7. Under supervision of the Americal Type Culture Collection, the deposit of the seeds from the sesame lines Sesaco 22, Sesaco 23, Sesaco 24, 19A, and 11W will be tested for viability at the time of the deposit.

8. Should the seeds from the sesame lines Sesaco 22, Sesaco 23, Sesaco 24, 19A, and 11W deposited with the Americal Type Culture Collection become inviable, the deposit will be replaced by Sesaco Corporation upon request.

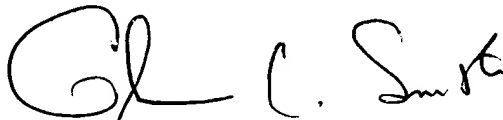
9. Upon the granting of the patent, all restrictions upon availability to the public will be irrevocably removed.

10. I further declare that all statements made herein of my own personal knowledge are true and that all statements made on information and belief are believed to be true; further

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under §1001 of Title 18 of the United States Code, and that such willful false statements jeopardize the validity of the above-mentioned application or any patent issuing thereon.

Glenn C. Smith

Name of Person Signing

  
Signature

9/30/99

Date

14242/00201



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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November 5, 1999  
(Date of Deposit)

**Derrick T. Gordon**

Name of Depositor

Signature

Date of Signature: November 5, 1999

Dear Sir:

**DECLARATION OF DERALD RAY LANGHAM**

I, the undersign declare that:

1. I am the inventor of the invention discussed in the above-identified patent application.
2. I have been an active breeder of sesame for over 25 years.
3. Since September 1990, I have been in control of the sesame varieties disclosed in the above-identified patent application.

4. The variety "Sesaco 22" and the variety listed as S22 in the above-identified patent application are the same.

5. Under my direction, variety Sesaco 22 was provided to contract farmers for experimental testing under simulated commercial growing conditions prior to September 10, 1997.

6. The use of Sesaco 22 prior to September 10, 1997 constituted experimental use, as outlined below:

- a. It was necessary to test Sesaco 22 under simulate of commercial growing conditions to determine if it would yield a sesame crop that could be successfully harvested using a combine. Plot threshers used for researching varieties are only an indication of how a variety will perform in a farmer's combine. The final proof is in putting the sesame seed through a combine in a field of more than five acres. Therefore, S22 seed was released to two contract farmers. Each farmer was to grow one sufficient size experimental batch of crop from S22 seed to test the effects of mechanical harvesting using a combine.
- b. Both farmers were under written contract with Sesaco to grow and harvest crops from the S22 seed to test certain properties of the seed and its offspring. The farmers were paid based on the amount of seed harvested and the quality of seed produced. By written contract, the farmer could not sell any seed to any other person or entity, and they could not hold back any of the seed. All S22 seed released to the farmers that was not used for planting and all seed harvested from the experimental crop was returned to Sesaco.

- c. The experimental crops from the S22 seed were grown away from any public access road to maintain the secrecy of the experiment. Farmer T.W. was the only farmer to grow S22 outside of the area of Sesaco's experimental nurseries. Farmer B.S. grew a S22 crop on acres near Sesaco experimental nurseries.
- d. Verbal reports were made by the contract farmers regularly to Sesaco. I, along with other Sesaco personnel, visited the fields regularly during growing and harvesting of the experimental crops.
- e. Only persons bound to Sesaco were involved in testing.
- f. Control was retained by the inventor over the experimental crops. Sesaco personnel highly knowledgeable of the S22 variety consistently visited the sites where experiments were being performed. For example, Farmer T.W.'s field was inspected regularly. Sesaco personnel not only inspected the S22 at Farmer T.W.'s field but also inspected all other sesame crops growing in that region in search of growth of the experimental seed S22. None was found.


Sesaco had the right to observe Farmer T.W.'s crop at all times. A representative of Sesaco attended the harvest of the experimental crop to observe the combining operation and to collect data concerning the same. All harvested S22 seed was returned to Sesaco.

With respect to Farmer B.S., Sesaco representatives were present for all operations of Farmer B.S.'s experimental crop because the experimental crop was planted and harvested in conjunction with Sesaco's experimental nurseries.

- g. The length for testing the experimental crops from S22 was of a length considered normal in the practice of plant breeding.
- h. During the testing of the S22 seeds, no promotional activities or commercial exploitation of S22 was performed.

7. I further declare that all statements made herein of my own personal knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under §1001 of Title 18 of the United States Code, and that such willful false statements jeopardize the validity of the above-mentioned application or any patent issuing thereon.

Derald Ray Langham  
Name of Person Signing

  
Signature


22 Oct 99  
Date

*DORLAND'S ILLUSTRATED*

*Medical  
Dictionary*

*Twenty-fifth Edition*

W. B. SAUNDERS • Philadelphia • London • Toronto





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## heteroproteose

neutrophils in man but characterized in by granules which have variable sizes characteristics; called also *heterophilic* (so *neutrophil* (def. 2). 2. heterophilic. et''er-o-fil'ik) [*hetero-* + Gr. *philein* to g affinity for antigens or antibodies ne for which it is specific. 2. staining ain other than the usual one.

net''er-o-fō-ne-ah) [*hetero-* + Gr. *phōnē* ormality of the voice or of phonation. et''er-of'o-ne) heterophonia.

a (het''er-o-fō-ral''je-ah) [*hetero-* + Gr. + *-algia*] heterophoria associated

et''er-o-fō-re-ah) [*hetero-* + Gr. *pherein* failure of the visual axes to remain ie visual fusional stimuli have been arious forms of heterophoria are called ection being indicated by the appropri- clophoria, esophoria, exophoria, hyper- ia, and latent deviation.

et''er-o-fō-rik) pertaining to or char- raphoria.

ase (het''er-o-fos''fah-tās) hexoki-

a (het''er-of-thal''me-ah) [*hetero-* + Gr. + *-ia*] difference in the direction of e color, of the two eyes.

s (het''er-of-thal''mos) heteroph-

a (het''er-of-thon''je-ah) [*hetero-* + Gr. nce + *-ia*] any abnormality of

(het''er-o-fi-di''ah-sis) heterophyia-

t''er-of'i-ēz) [*hetero-* + Gr. *phyē* stat- minute trematode worms found in f the small intestine of man, dogs, cats, ing mammals. *H. heterophyes* is found id Asia Minor. *H. katsuradai* and *H. en* reported in man in Japan and the

het''er-o-fi-i''ah-sis) infection with : genus *Heterophyes*; it is generally

''er-o-pla''ze-ah) [*hetero-* + Gr. *plas-* replacement of normal by abnormal f of normal cells.

'er-o-plazm) any heterologous tis-

''er-o-plas''tik) pertaining to heter- oplasty.

''er-o-plas''tid) a xenograft.

''er-o-plas''te) [*hetero-* + Gr. *plassein* anplantation.

o-o-ploid'') 1. pertaining to or char- ploidy. 2. an individual or cell with er of chromosomes.

'er-o-ploi''de) the state of having er of chromosomes.

r-op'o-dah) a genus of large spi- fused with tarantulas. *H. vena-* der found in shipments of tropical ananas; its bite is painful, but not

r-op'o-dal) [*hetero-* + Gr. *pous* foot] processes of different kinds; said of

(het''er-o-pol''e-mer''ik) [*hetero-* + part] composed of dissimilar com- nits, as a macromolecule, e.g., a

ride (het''er-o-pol''e-sak''ah-rid) macromolecule containing two or urs, its function varying with the s.

et''er-o-pro''so-pus) [*hetero-* + Gr. cepts.

t''er-o-pro''te-ōs) a primary prote-

## heteropsia

ose that is insoluble in water, but soluble in dilute salt solution.

heteropsia (het''er-op''se-ah) [*hetero-* + Gr. *opsis* vision] unequal vision in the two eyes.

heteropsychologic (het''er-o-si''ko-loj''ik) pertaining to ideas formed outside the individual mind.

Heteroptera (het''er-op''ter-ah) [*hetero-* + Gr. *pteron* wing] a suborder of Hemiptera characterized by the possession of two pairs of wings, one horny, the other membranous; it includes the medically important families Cimicidae and Reduviidae.

heteroptics (het''er-op''tik) [*hetero-* + Gr. *optikos* optic] false or perverted vision; visual perception of objects not in the field of vision or misinterpretation of visual images.

heteropyknosis (het''er-o-pik-no''sis) [*hetero-* + Gr. *pyknōsis* condensation] 1. the quality of showing variations in density throughout. 2. a state of differential condensation observed in comparison of different chromosomes, or of different regions of the same chromosome. **negative h.**, attenuation of condensation observed in comparison of different chromosomes, or of different regions of the same chromosome. **positive h.**, accentuation of condensation observed in comparison of different chromosomes, or of different regions of the same chromosome.

heteropyknotic (het''er-o-pik-not''ik) pertaining to or characterized by heteropyknosis. **negatively h.**, showing areas of lesser condensation than normal. **positively h.**, showing areas of greater condensation than normal.

heterosaccharide (het''er-o-sak''ah-rid) a polysaccharide containing a carbohydrate and a noncarbohydrate unit. Cf. *holosaccharide*.

heteroscope (het''er-o-skōp) [*heterophoria* + Gr. *skopein* to examine] a pair of fusion tubes so mounted as to subserve the observation of the progress of cases of heterophoria.

heteroscopy (het''er-os''ko-pe) inequality of vision in the two eyes.

heteroserotherapy (het''er-o-se''ro-ther''ah-pe) treatment of a patient by serum derived from some other individual.

heterosexual (het''er-o-seks''u-al) pertaining to the opposite sex; directed toward a person of the opposite sex; the opposite of homosexual.

heterosexuality (het''er-o-seks''u-al''i-te) sexual desire directed toward persons of the opposite sex, as distinguished from homosexuality.

heterosis (het''er-o''sis) [Gr. *heterōsis* alteration] the condition in which the first generation hybrid shows more vigor as measured by growth, survival, and fertility, than either of the parent strains; it is believed to be caused by the dominance (or interaction) of favorable alleles not common to both parental populations. Called also *hybrid vigor*.

heterosmia (het''er-os''me-ah) [*hetero-* + Gr. *osmē* smell] a condition in which odors are incorrectly interpreted.

heterosome (het''er-o-sōm) [*hetero-* + Gr. *sōma* body] a sex chromosome.

heterospore (het''er-o-spōr) a heterosporous organism.

heterosporous (het''er-os''po-rus) [*hetero-* + Gr. *sporos* seed] having spores of two kinds, which reproduce asexually.

heterostimulation (het''er-o-stim''u-la''shun) stimulation of an animal with antigenic material originating from a different species.

heterosuggestion (het''er-o-sug-jes''chun) [*hetero-* + *suggestion*] suggestion received from another person; opposed to autosuggestion.

heterotaxia (het''er-o-tak''se-ah) [*hetero-* + Gr. *taxis* arrangement] anomalous placement or transposition of viscera or parts.

heterotoxic (het''er-o-tak''sik) affected with heterotaxia.

heterotaxis (het''er-o-tak''sis) heterotaxia.

heterotaxy (het''er-o-tak''se) heterotaxia.

heterotherapy (het''er-o-ther''ah-pe) [*hetero-* + Gr.

## heterozygosis

*therapeia* treatment] treatment of disease by remedies which are antagonistic to the principal symptom of the disease; nonspecific therapy.

heterotherm (het''er-o-therm'') an animal which hibits heterothermy.

heterothermic (het''er-o-ther''mik) pertaining to characterized by heterothermy.

heterothermy (het''er-o-ther''me) [*hetero-* + Gr. *thermē* heat] the exhibition of widely different body temperatures at different times or under different conditions as certain species of birds, marsupials, or hiberna species.

heterotonia (het''er-o-to''ne-ah) [*hetero-* + Gr. *tonos* sion + *-ia*] a state characterized by variations in sion or tone.

heterotonic (het''er-o-ton''ik) pertaining to or characterized by heterotonia.

heterotopia (het''er-o-to''pe-ah) [*hetero-* + Gr. *topos* place + *-ia*] 1. displacement or misplacement of parts or organs; the presence of a tissue in an abnormal location. 2. a jumbling of sounds in words.

heterotopic (het''er-o-top''ik) occurring at an abnormal place or upon the wrong part of the body.

heterotopy (het''er-o-top''e) heterotopia.

heterotransplant (het''er-o-trans''plant) xenograft heterotransplantation (het''er-o-trans''plan-ta''sh the operative replacement of lost or damaged part tissues by tissue taken from an individual of a different species (a xenograft).

heterotrichosis (het''er-o-tri''ko-sis) [*hetero-* + *trichōsis* growth of hair] growth of hair of different colors on the body. **h. supercilium**, difference in color of the hairs of the two eyebrows (von Walth

heterotrichous (het''er-o-tri''kus) having irregular cilia, in size, shape, function, or distribution.

heterotroph (het''er-o-trōf'') a heterotrophic organism, such as an animal or a chlorophyll-free plant.

heterotrophia (het''er-o-tro''fe-ah) [*hetero-* + Gr. *tro* nourishment] any disorder or fault of nutrition.

heterotrophic (het''er-o-tro''fik) [*hetero-* + Gr. *tro* nutrition] not self-sustaining; said of organisms which require a reduced form of carbon for energy synthesis. Cf. *autotrophic*.

heterotrophy (het''er-o-tro''fe) 1. the state of being heterotrophic; heterotrophic nutrition. 2. heterotrophia.

heterotropia (het''er-o-tro''pe-ah) [*hetero-* + Gr. *trope* turn, turning + *-ia*] failure of the visual axes to remain parallel when fusion is a possibility. See *strabismus*. **comitant h.**, **concomitant h.**, deviation of a visual axis in which the angular relation between two visual axes remains fairly constant, whatever position of the fixing eye. **noncomitant h.**, deviation in which the angular relation between the visual axes is not maintained. **paralytic h.**, heterotropia due to paralysis of one or more of the extraocular muscles.

heterotropy (het''er-o-tro''pe) heterotropia.

heterotrypsin (het''er-o-trip''sin) an enzyme of pancreatic juice.

heterotypic (het''er-o-tip''ik) pertaining to, characteristic of, or belonging to a different type.

heterotypical (het''er-o-tip''e-k'l) of a type different from that usually or normally encountered; having characteristics peculiar to a different type; sometimes applied to the first meiotic division of the germ cell.

heterovaccine (het''er-o-vak''sēn) a vaccine made from some microorganism other than the one causing the disease for which the vaccine is used; it is one of nonspecific therapy.

heteroxenous (het''er-ok''se-nus) [*hetero-* + Gr. *xenos* guest, friend, stranger] requiring more than one host in order to complete the life cycle; said of parasitic organisms. Cf. *monoxenous*.

heteroxeny (het''er-ok''sē-ne) the quality or condition of being heteroxenous.

heterozoic (het''er-o-zo''ik) [*hetero-* + Gr. *zōon* animal] pertaining to another animal or species of animal.

heterozygosis (het''er-o-zi-go''sis) the formation of